IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.146 OF 2007
IN
CRIMINAL APPEAL NO.150 OF 2007

Anis Sagir Khan ...Applicant.

Versus

State of Maharashtra ...Respondent.

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Mr.M.K.Kocharekar i/b. Balaji Gadi, Adv. for Applicant.
Ms.S.V.Gajre, APP, for State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 6th March, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant-orig.accused and the learned APP for the State.

2. The applicant has been convicted under Section 392 and 397 of IPC and sentenced to suffer imprisonment for seven years. The applicant is now seeking bail.

3. It is the case of the prosecution that four persons entered into the shop of the

complainant-Ramesh Doshi. They were armed with choppers. Thereafter the hands of complainant were tied by rope and sticker tape was affixed on the mouth of complainant. Thereafter the complainant was robbed of valuables. The complainant has identified the present applicant as being one of the four persons. Moreover the learned APP has pointed out that the applicant is also involved in some other cases i.e. C.R.No.70/2002 under Sections 457, 380 IPC and C.R.NO.146/2005 under Sections 363, 376 IPC both CRs pertain to M.H.B. Colony Police Station.

4. The learned Advocate for the applicant has pointed out that there is no recovery at the instance of the applicant and the only evidence against the applicant is identification. He has submitted that there are lacunas in respect of TIP. However, looking to the evidence on record, I do not think that this is a fit case to grant bail. Application is rejected.

. Hearing of Appeal is expedited.

(SMT.V.K.TAHILRAMANI,J.)